

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

CALVIN IGNATIUS SAVOY

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Criminal No. JFM-05-0415

Civil No. JFM-10-2431

**MEMORANDUM**

Calvin I. Savoy has filed a motion under 28 U.S.C. §2255. Savoy was convicted after a trial before the Honorable Andre Davis, who has now been elevated to the United States Court of Appeals for the Fourth Circuit.

Savoy's motion will be denied. He argues that his appellate counsel, who was successful in obtaining a reversal of Savoy's conviction for possessing and discharging a firearm during and in relation to a drug trafficking crime, was ineffective in failing to argue that Savoy suffered "prejudicial spillover" by admission of the evidence as to the charge that was reversed.

Undoubtedly, the evidence underlying that charge was potent in that it related to the shooting of a police officer. However, the other evidence against Savoy on the charge of conspiracy to distribute cocaine base that was affirmed by the Fourth Circuit, as set forth in the Fourth Circuit's opinion on appeal, was so strong that it cannot be said that Savoy suffered prejudice by the admission of evidence on the reversed charge.<sup>1</sup> *See generally Strickland v. Washington*, 466 U.S. 689 1984); *United States v. Mackins*, 315 F.3d 399, 414 n.9 (4th Cir. 2003).

A separate order denying Savoy's motion is being entered herewith.

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<sup>1</sup> In light of the fact that I find that Savoy cannot establish prejudice by virtue of the alleged ineffective assistance of his appellate counsel, I need not reach the questions of (1) whether Savoy's motion was timely filed, and (2) whether his appellate counsel was ineffective in any respect.

Date: January 20, 2011

/s/  
J. Frederick Motz  
United States District Judge